

### **REMARKS**

Claims 1-29 are pending in the application, of which claims 12 and 24-29 have been withdrawn from consideration. Applicant amends claims 1, 3-4, 7-11, 13, 15-16, and 19-23 for further clarification. No new matter has been added.

Claims 1-2, 6-10, 13-14, and 18-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0021682 to Ariyoshi et al. in view of U.S. Patent No. 7,079,550 to Padovani et al.; claims 3-4 and 15-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ariyoshi et al. in view of Padovani et al., and further in view of U.S. Patent Application Publication No. 2003/0119452 to Kim et al.; and claims 5, 11, 17, and 23 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ariyoshi et al. in view of Padovani et al., and further in view of U.S. Patent Application Publication No. 2003/0012267 to Jitsukawa et al. Applicant amends claims 1 and 13 in a good faith effort to further clarify the invention as distinguished from the cited references, and respectfully traverses the rejections.

Again, Ariyoshi et al. describe a transmission power control technique that includes steps of determining a target SIR by comparing an error rate of received data and a target error, acquiring an estimated SIR by removing an interference from a measured SIR, and controlling the transmission power by comparing the estimated SIR and a target SIR.

According to Ariyoshi et al., the target SIR is concretely determined by the following steps:

(1) determining a tentative target SIR by comparing the error rate of the received data and the target error rate,

(2) computing a difference between the tentative target SIR and an average of the estimated SIR, and

(3) if the difference is small, adopting the tentative target SIR as the target SIR, and if the difference is large, adopting a value obtained by correcting the tentative target SIR as the target SIR.

The Examiner conceded that Ariyoshi et al. fail to disclose the claimed “determining” and “controlling” features as recited, for example, in claim 1, and relied upon Padovani et al. as a combining reference that allegedly suggests these features. Page 3, line 9 et seq. of the Office Action.

Padovani et al. describe a control of transmission power in a mobile station in which the transmission power is controlled by a base station having two power control loops. In this transmission power control—see column 27 of Padovani et al.—the second power control loop of the base station determines a set point (target reception quality) so that a frame-error-rate (FER) at the mobile station is a desired level, and the first power control loop controls the transmission power of the mobile station so that the reception quality at the mobile station becomes said set point (target reception quality). Concretely speaking, the base station determines power control for controlling the transmission power of the mobile station so the reception quality at the mobile station is the target reception quality, and sends the power control bits to the mobile station via a control power channel. And the mobile station controls the transmission power based on the power control bits.

In other words, even assuming, arguendo, that it would have been obvious to one skilled in the art at the time the claimed invention was made to combine Ariyoshi et al. and Padovani et al., such a combination would still have failed to disclose or suggest,

“[a] transmission power control method that compares error rate of receive data and target error rate on a receiving side, controls target SIR by a result of the comparison, and causes a transmitting side to control transmission power in such a manner that measured SIR will agree with the target SIR for each slot that constitutes a frame of a dedicated physical channel, comprising the steps of:

determining whether a slot is a slot in which data is being transmitted by a data channel;  
comparing the error rate of receive data after decoding and the target error rate of the data and controlling the target SIR by a result of the comparing in the slot in which data is being transmitted by the data channel;  
measuring the error rate of a demodulated receive pilot in a slot in which data is not being transmitted and a pilot is being transmitted by a control channel; and  
controlling the target SIR upon comparing the measured error rate of the pilot and target error rate of the pilot in the slot in which data is not being transmitted and a pilot is being transmitted by the control channel,” as recited in claim 1.  
(Emphasis added)

Accordingly, Applicant respectfully submits that claim 1, together with claims 2 and 6-10 dependent therefrom, is patentable over Ariyoshi et al. and Padovani et al., separately and in combination, for at least the foregoing reasons. Claim 13 incorporates features that correspond to those of claim 1 cited above, and are, therefore, together with claims 14 and 18-22 dependent therefrom, patentable over the cited references for at least the same reasons.

Claims 3-5 and 11 depend from claim 1 and claims 15-17 and 23 depend from claim 13. The Examiner cited and relied upon Kim et al. and Jitsukawa et al. as further combining references to specifically address additional features recited in these claims 3-5, 11, 15-17, and 23, respectively. As such, further combinations with these references would still have failed to cure the above-described deficiencies of Ariyoshi et al. and Padovani et al., even assuming, arguendo, that such further combinations would have been obvious to one skilled in the art at the time the claimed invention was made.

In addition, Kim et al. describe a transmitter that transmits TFCI, and a receiver that receives the TFCI and performs data separation using the received TFCI. But Kim et al. do not disclose deciding whether, for each slot that constitutes a frame of dedicated physical channel, a slot is a slot in which data is being transmitted by a data channel based upon the decoding result of the TFCI. Thus, Kim et al.—and correspondingly, the proposed

combination with Ariyoshi et al. and Padovani et al.—further fail to disclose the features recited in claims 3-4 and 15-16.

Jitsukawa et al. describe a receiver provided with an array antenna, and a searcher. But Jitsukawa et al. do not teach the target SIR control method is changed based upon whether a slot is a slot in which data is being transmitted by a data channel. As a result, Jitsukawa et al. do not disclose the features of claims 11 and 23.

Accordingly, Applicant respectfully submits that claims 3-6, 11-12, 15-18, and 23-24 are patentable over the cited references for at least the foregoing reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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